

MINUTES
FREMONT CITY COUNCIL REGULAR MEETING, APRIL 25, 2000
CITY GOVERNMENT BUILDING, 7:00 P.M.

Call to Order: Mayor Morrison called the meeting to order.

Flag Salute: Councilmember Pease led the salute to the flag.

Roll Call: Present: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik, and Pease.

Announcements: Mayor Morrison announced tonight is the last night of the television viewers' survey. Viewers are urged to call 494-4630 and say "I'm watching."

*2.1 Waive Reading of Ordinances: The City Attorney read the title of ordinances to be considered. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council waived further readings of proposed ordinances, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

*2.2 Approval of Minutes: None.

3. Ceremonial Items:

Proclamations were presented honoring National Model Railroad Association Week – April 24-30 and Workers Memorial Day. Resolutions were presented supporting the Tri-Cities Ducks for Buck\$ Benefit Race and honoring the Historic Patterson House Foundation. Vice Mayor Zager made a presentation to the retiring members of the Historic Patterson House Foundation. CERT Volunteers presented gifts to the City Council and thanked them for their support. A Certificate of Appreciation from the Fremont Police Department was presented to Paula Baca.

4.1 Written Communications:

4.1.1 Letter From Western Pacific Housing: Ed Galigher outlined Western Pacific Housing's request for early grading of Tract 7021, stating that Western Pacific Housing has done grading for Ohlone College, and that there are mutual advantages to using the excess dirt from the Ohlone project for the tract site.

On a motion by Councilmember Zager, seconded by Councilmember Pease, the City Council approved grading ahead of the Final Map approval for Tract 7021, on the condition that written notice from Ohlone College stating the necessity of the early grading in order to use the excess dirt from the Ohlone project for Tract 7021 is filed with the City no later than 5:00 p.m. on April 28, 2000, by the

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following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Zlatnik and Pease. Noes: Councilmember Wasserman. Absent: None. Abstain: None.

4.2 Oral Communications:

James Swofford of the Pacific Locomotive Association gave an update on the progress of the conditional rail stop in Niles for the Capitol Corridor Train, and invited the public to come to Sunol and take a ride on the train, which runs every other Sunday between 10:00 a.m. and 4:00 p.m.

- 5.1 Wal*Mart Stores, Inc., PLN2000-0070, MISC2000-0308: Mayor Morrison opened the public hearing (published notice) to consider a first party appeal of a Planning Commission denial of a conditional use permit, preliminary grading plan, and planned signing program for a 156,000 square foot Wal*Mart store located at 3045 Skyway Court at the intersection of Osgood Road and Skyway Court in the Industrial Planning Area (Wal*Mart Stores, Inc., PLN2000-0070, MISC2000-0308).

Judy Davidoff of Baker & McKenzie, representing Wal*Mart, responded to the two key issues identified by the Planning Commission: 1) consistency of the project with the General Plan relative to compatibility of industrial and retail uses and the appropriateness of retail use on this site and 2) traffic concerns. William Sylvia noted the close proximity of the proposed project to the existing Wal*Mart in Milpitas, expressed concern about traffic impacts, and urged denial of the appeal. Julia Collins opined that Auto Mall Parkway is a poor location for a Wal*Mart store as it would only exacerbate existing traffic problems. David Purvis urged rejection of the Wal*Mart project due to the traffic impacts, and spoke in favor of industrial use at the site. Christina Ayala opined Wal*Mart is not worthy of Fremont, questioned Wal*Mart's charitable gestures and other business practices, and urged denial of the project. Julie Perrelli opined that the proposed location is wrong for a big retail store, it would take business away from the Irvington Business District, and urged denial of the project. Cynthia Cuddy expressed concern that the location of the proposed Wal*Mart would negatively impact retail businesses in Irvington, suggested the Fremont Hub as an alternate location, and urged rejection of the project. Rudy Visaya urged Council to reject the Wal*Mart project, and reserve the few remaining land parcels in Fremont for more desirable uses, such as business park development and technology uses. John Mormon expressed concern about the negative impact on his neighborhood of surface water runoff from the project and increased traffic, and urged denial of the project. Victoria Plaugher echoed the concerns of earlier speakers regarding traffic impacts and effect on Irvington businesses, and suggested the City conduct a review of the best land use for the site. Pat Gordillo urged Council to reject Wal*Mart's proposal on the basis of potential traffic impacts, and submitted photographs illustrating traffic problems on Auto Mall Parkway and Osgood Road. Don Keely expressed concerns with potential traffic impacts, and asked Council to reject the project. Rosalie delaTorre expressed her disapproval of Wal*Mart's methods for garnering support for the project, suggested alternate uses for the site, and urged Council to reject the project. Tamara Foland spoke about Wal*Mart's generosity as a corporate

sponsor to Blacow Elementary School and the CERT Program. Jeri Schrodetzki stated Wal*Mart has a history of community involvement, and expressed interest in having a Wal*Mart in Fremont and the sales tax revenue it would generate. Marina Reyes Campbell stated she is a greeter for Wal*Mart in Union City, expressed pride in her job and support for the proposed project in Fremont. Tristan Stephan requested access to the hydrology study on the project if conducted, expressed concerns about traffic, and opined Wal*Mart displayed bad business ethics in sending out the postcards to residents. Mark Wolfe of United Food and Commercial Workers Local 870 asked Council to consider the impacts of Wal*Mart on traffic and existing local businesses. Tammy Huang spoke in support of Wal*Mart, stating it would expand shopping options in South Fremont and keep sales tax dollars in the City. Lester Wollman stated his property is in Flood Zone A, and construction of Wal*Mart would increase the runoff problem. Robert Nakamae spoke in support of Wal*Mart, noted small businesses in Irvington can provide a better level of service Wal*Mart, and expressed interest in keeping consumer dollars in Fremont. Jena Roche stated that as a Wal*Mart associate, she finds them to be a wonderful and respectful employer, and urged approval of the project. Eva Ricciarelli stated we do not need “wall-to-wall Wal*Marts.” Todd Arris, representing Sares-Regis and Home Depot, spoke in support of Wal*Mart, stating he believes it would be an asset to Fremont. Mike Gardner, representing Wal*Mart, described the company’s business strategy, addressed the concerns regarding traffic, architecture, and the company’s image. There being no other speakers, Mayor Morrison closed the public hearing. A discussion period ensued.

On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council upheld the appeal, and directed staff to return with findings in support of project approval, by the following vote: Ayes: Vice Mayor Zager, Councilmembers Wasserman and Pease. Noes: Mayor Morrison, Councilmember Zlatnik. Absent: None. Abstain: None.

- *6.1 Destruction of Obsolete Records: On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council adopted Resolution No. 9509 authorizing destruction of obsolete records, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.
- 7.1 Fremont Marriott Hotel Business Improvement District: Mayor Morrison opened consideration for establishing the Fremont Marriott Hotel Business Improvement District. On a motion by Councilmember Wasserman, seconded by Councilmember Zlatnik, the City Council adopted Resolution of Intention No. 9510 to form the BID, and set a public hearing to consider adoption of the ordinance creating the BID for May 2, 2000, by the following vote: Ayes: Mayor Morrison, Councilmembers Wasserman, Zlatnik and Pease. Noes: Vice Mayor Zager. Absent: None. Abstain: None.
- 7.2 Hotel/Motel Tax Rate:
This item was continued to May 2, 2000.

- *7.3 Purchase of Police-Related Equipment: Mayor Morrison opened consideration to approve the transfer of monies from the Police Evidence Account for the eventual purchase of police-related equipment. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council appropriated \$6,639.20 into the General Fund, Police Department Budget for the purchase of police-related capital items, once authorized by the City Manager, and transferred the funds from Police Evidence 702.2101.2205 to 001.2111.3910, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.
- *7.4 Landscaping Assessment: Mayor Morrison opened consideration of the Resolution of Intention to order improvements and levy annual assessment for Landscaping Assessment District 88, Zones 01 through 40. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council took the following actions:
1. Adopted Resolution No. 9511 directing the filing of the Engineer's Report for Fremont Landscaping Assessment District 88, Zones 01 through 40. (Exhibit B)
 2. Adopted Resolution No. 9512 of Intention to Order Improvements for Fremont Landscaping Assessment District 88, Zones 01 through 40, schedule a public meeting to receive testimony on June 6, 2000, and schedule a public hearing on annual assessments on June 27, 2000 (Exhibit C), by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.
- 7.5 20-Year Transportation Expenditure Plan: Mayor Morrison opened the public hearing (published notice) to consider support for Alameda County Transportation Authority's 20-Year Transportation Expenditure Plan. Staff from ACTA gave a presentation on the Plan. William Schriever gave a speech he entitled "Non-Motorized Transportation," wherein he suggested the fund could be used to expand BART parking. Ethan Veneklasen of the Chamber of Commerce stated that transportation is one of the Chamber's key legislative priorities, and encouraged the City Council to join in supporting the coalition which includes labor, the environmental community, and transit advocates, in addressing regional transportation issues. Scott Haggerty of the Alameda County Board of Supervisors and chair of ACTA stressed the effect of the measure's passage on Fremont's transportation priorities, and urged Council's support. Robert Raburn, chair of the East Bay Bicycle Coalition, urged Council's support of the reauthorization of the Measure B sales tax, a portion of which would be dedicated to bicycle and pedestrian related projects. Tom Blalock highlighted the growth in BART ridership, expressed his wholehearted support of the plan, and urged Council's approval. Jeff Hobson, representing Bay Area Transportation and Land Use Coalition, identified Measure B as the most pressing issue in Alameda County, and stated the measure has the support of the Coalition. Mike Daley of the Sierra Club S.F. Bay Chapter stated the Sierra Club supports the Plan. Councilmember Pease asked that the record reflect that he does not agree with every element of the Plan.

On a motion by Councilmember Pease, seconded by Councilmember Wasserman, the City Council endorsed the Alameda County Transportation Authority's 20-Year Expenditure Plan and adopted Resolution No. 9513 supporting the Plan, by the following vote: Ayes: Mayor Morrison, Councilmembers Wasserman, Zlatnik and Pease. Noes: Vice Mayor Zager. Absent: None. Abstain: None.

*7.6 New Police Department Handguns: Mayor Morrison opened consideration of the acceptance of bid for the purchase of new Police Department handguns. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council approved the purchase of 213 Sig Sauer semiautomatic pistols from San Diego Police Equipment for the amount of \$146,018.62, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

*7.7 Alameda County Waste Management Authority: Mayor Morrison opened consideration of options concerning the Local Task Force, an advisory body to the Alameda County Waste Management Authority. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council took the following actions:

1. Concurred with the Authority Board's action to retain the current Local Task Force, adding members as appropriate and referring all actions before the LTF to the Recycling Board for recommendation prior to action by the Authority Board.
2. Directed staff to draft a letter for the City Manager's signature communicating the Council decision to concur with the Authority Board action, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

*7.8 Sanitation and Health Ordinance: Mayor Morrison opened consideration of the revision of the Sanitation and Health Ordinance pertaining to solid waste, recyclables and yard waste management. The City Attorney read the title of an ordinance proposed for adoption. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council waived full reading and introduced the ordinance, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

*7.9 Interactive Shooting Simulator: Mayor Morrison opened consideration of the approval of bid and specifications and award of contract for an Interactive Shooting Simulator. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council approved bid and specifications for the interactive shooting simulator, awarded the contract for the interactive shooting simulator to the low bidder, Shooting Solutions, in the amount of \$135,312.50, and authorized the City Manger to sign the contract, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

*7.10 Software Maintenance Payments: Mayor Morrison opened consideration of the approval of software maintenance payments with Oracle Corporation for existing software. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City

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Council authorized the City Manager to make annual payments to Oracle Corporation for each of the four annual payment periods as they become due in the amounts specified in the original agreement, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

- *7.11 Paratransit Van Transportation Services: Mayor Morrison opened consideration of the contract with First Transit to provide Measure B (Non-ADA) Paratransit Van Transportation Services. On a motion by Councilmember Wasserman, seconded by Councilmember Pease, the City Council authorized the City Manager to enter into a contract for up to \$125,000 per year with First Transit for the provision of the City of Fremont's Measure B Paratransit group trips van transportation service for the two-year period, May 1, 2000 through March 31, 2002, with additional three (3) one-year options based on satisfactory performance and the continuation of transportation sales tax by voters past March 2002, by the following vote: Ayes: Mayor Morrison, Vice Mayor Zager, Councilmembers Wasserman, Zlatnik and Pease. Noes: None. Absent: None. Abstain: None.

8. Council Communications:

8.1 Council Referrals:

A. COUNCILMEMBER PEASE REFERRAL:

This item was continued to May 2, 2000.

B. MAYOR MORRISON REFERRAL:

This item was continued to May 2, 2000.

C. MAYOR MORRISON REFERRAL:

This item was continued to May 2, 2000.

8.2 Legislation: No action taken.

8.3 Oral Reports and Meetings and Events: Councilmembers reported on their various activities.

Adjournment: There being no further business, Mayor Morrison adjourned the meeting at 12:10 a.m.

Attest:

Approved:

MARIAN HANDA, Deputy City Clerk

GUS MORRISON, Mayor